

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
JENNIFER PAPE,  
in her individual capacity and on behalf of others similarly  
situated,

Plaintiff,

- against -

THE SUFFOLK COUNTY SOCIETY FOR THE  
PREVENTION OF CRUELTY TO ANIMALS and  
STEPHEN LATON in his individual capacity,

Defendants.  
-----X

Case No.: 20-cv-1490  
(JMA)(ST)

**ANSWER**

Defendant the Suffolk County Society for the Prevention of Cruelty to Animals, by its attorneys Boyd Richards Parker & Colonnelli, P.L., as and for its answer to the Third Amended Complaint, dated March 2, 2021 (the “Complaint”), alleges as follows:

**I. PRELIMINARY STATEMENT**

1. Denies the allegations contained in paragraph 1 of the Complaint.
2. Denies the allegations contained in paragraph 2 of the Complaint.
3. Denies the allegations contained in paragraph 3 of the Complaint.
4. Denies the allegations contained in paragraph 4 of the Complaint.
5. Denies the allegations contained in paragraph 5 of the Complaint.
6. Denies the allegations contained in paragraph 6 of the Complaint.
7. Neither admits nor denies the legal conclusions contained within paragraph 7 of the

Complaint, and respectfully refers all questions of law to the Court for determination.

**II. JURISDICTION AND VENUE**

8. Neither admits nor denies the statements of law contained within paragraph 8 of

the Complaint, and respectfully refer all questions of law to the Court for determination.

9. Neither admits nor denies the statements of law contained within paragraph 9 of the Complaint, and respectfully refers all questions of law to the Court for determination.

10. Neither admits nor denies the legal conclusions contained within paragraph 10 of the Complaint, and respectfully refers all questions of law to the Court for determination.

11. Neither admits nor denies the statements of law contained within paragraph 11 of the Complaint, and respectfully refers all questions of law to the Court for determination.

### **III. THE PARTIES**

12. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 12 of the Complaint.

13. Denies the allegations contained within paragraph 13 of the Complaint, and respectfully refers all questions of law to the Court for determination.

14. Admits the allegations contained in paragraph 14 of the Complaint.

15. Denies the allegations contained within paragraph 15 of the Complaint, and respectfully refers all questions of law to the Court for determination.

16. Denies the allegations contained in paragraph 16 of the Complaint, and respectfully refers all questions of law to the Court for determination.

17. Denies the allegations contained in paragraph 17 of the Complaint.

18. Denies the allegations contained in paragraph 18 of the Complaint, and respectfully refers all questions of law to the Court for determination.

19. Denies the allegations contained in paragraph 19 of the Complaint, and respectfully refers all questions of law to the Court for determination.

20. Denies the allegations contained within paragraph 20 of the Complaint, and respectfully refers all questions of law to the Court for determination.

21. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained within paragraph 21 of the Complaint, and respectfully refers all questions of law to the Court for determination.

#### **IV. FACTUAL ALLEGATIONS**

22. Admits the allegations contained in paragraph 22 of the Complaint.

23. Admits the allegations contained in paragraph 23 of the Complaint, and avers that for the period of time that Plaintiff was not paid, she was a volunteer.

24. Denies the allegations contained in paragraph 24 of the Complaint.

25. Denies the allegations contained in paragraph 25 of the Complaint.

26. Denies the allegations contained in paragraph 26 of the Complaint.

27. Denies the allegations contained in paragraph 27 of the Complaint.

28. Denies the allegations contained in paragraph 28 of the Complaint.

29. Denies the allegations contained in paragraph 29 of the Complaint.

30. Denies the allegations contained in paragraph 30 of the Complaint.

31. Admits the allegations contained in paragraph 31 of the Complaint.

32. Admits the allegations contained in paragraph 32 of the Complaint.

33. Denies the allegations contained in paragraph 33 of the Complaint.

34. Denies the allegations contained in paragraph 34 of the Complaint.

35. Denies the allegations contained in paragraph 35 of the Complaint.

36. Denies the allegations contained in paragraph 36 of the Complaint.

37. Admits the allegations contained in paragraph 37 of the Complaint.

38. Denies the allegations contained in paragraph 38 of the Complaint.
39. Denies the allegations contained in paragraph 39 of the Complaint.
40. Denies the allegations contained in paragraph 40 of the Complaint.
41. Denies the allegations contained in paragraph 41 of the Complaint.
42. Denies the allegations contained in paragraph 42 of the Complaint.
43. Denies the allegations contained in paragraph 43 of the Complaint.
44. Admits the allegations contained in paragraph 44 of the Complaint.
45. Denies the allegations contained in paragraph 45 of the Complaint.
46. Denies the allegations contained in paragraph 46 of the Complaint.
47. Denies the allegations contained in paragraph 47 of the Complaint.
48. Denies the allegations contained in paragraph 48 of the Complaint.
49. Denies the allegations contained in paragraph 49 of the Complaint.
50. Denies the allegations contained in paragraph 50 of the Complaint.
51. Denies the allegations contained in paragraph 51 of the Complaint.
52. Denies the allegations contained in paragraph 52 of the Complaint.
53. Denies the allegations contained in paragraph 53 of the Complaint.
54. Denies the allegations contained in paragraph 54 of the Complaint.
55. Denies the allegations contained in paragraph 55 of the Complaint.
56. Denies the allegations contained in paragraph 56 of the Complaint.
57. Denies the allegations contained in paragraph 57 of the Complaint.
58. Denies the allegations contained in paragraph 58 of the Complaint.
59. Denies the allegations contained in paragraph 59 of the Complaint.
60. Denies the allegations contained in paragraph 60 of the Complaint.

61. Denies the allegations contained in paragraph 61 of the Complaint.
62. Denies the allegations contained in paragraph 62 of the Complaint.
63. Denies the allegations contained in paragraph 63 of the Complaint.
64. Denies the allegations contained in paragraph 64 of the Complaint.
65. Denies the allegations contained in paragraph 65 of the Complaint.
66. Denies the allegations contained in paragraph 66 of the Complaint.
67. Denies the allegations contained in paragraph 67 of the Complaint.
68. Denies the allegations contained in paragraph 68 of the Complaint.
69. Denies the allegations contained in paragraph 69 of the Complaint.
70. Denies the allegations contained in paragraph 70 of the Complaint.
71. Denies the allegations contained in paragraph 71 of the Complaint.
72. Admits the allegations contained in paragraph 72 of the Complaint.
73. Denies the allegations contained in paragraph 73 of the Complaint.
74. Denies the allegations contained in paragraph 74 of the Complaint.
75. Denies knowledge or information sufficient to form a belief as to the truth of the statements contained in paragraph 75 of the Complaint.
76. Neither admits nor denies the legal conclusions contained within paragraph 76 of the Complaint, and respectfully refers all questions of law to the Court for determination.
77. Neither admits nor denies the statements of law contained within paragraph 77 of the Complaint, and respectfully refers all questions of law to the Court for determination.
78. Denies the allegations contained in paragraph 78 of the Complaint, and respectfully refers all questions of law to the Court for determination.
79. Denies the allegations contained in paragraph 79 of the Complaint.

80. Denies the allegations contained in paragraph 80 of the Complaint.
81. Denies the allegations contained in paragraph 81 of the Complaint.
82. Denies the allegations contained in paragraph 82 of the Complaint.
83. Denies the allegations contained in paragraph 83 of the Complaint.
84. Denies the allegations contained in paragraph 84 of the Complaint.
85. Denies the allegations contained in paragraph 85 of the Complaint.
86. Denies knowledge or information sufficient to form a belief as to the truth of the statements contained in paragraph 86 of the Complaint.
87. Denies knowledge or information sufficient to form a belief as to the truth of the statements contained in paragraph 87 of the Complaint.
88. Denies knowledge or information sufficient to form a belief as to the truth of the statements contained in paragraph 88 of the Complaint.
89. Denies knowledge or information sufficient to form a belief as to the truth of the statements contained in paragraph 89 of the Complaint.
90. Denies the allegations contained in paragraph 90 of the Complaint.
91. Denies knowledge or information sufficient to form a belief as to the truth of the statements contained in paragraph 91 of the Complaint.
92. Denies the allegations contained in paragraph 92 of the Complaint.
93. Denies the allegations contained in paragraph 93 of the Complaint.

## **V. COLLECTIVE ACTION ALLEGATIONS**

94. Defendant repeats and re-alleges its responses to paragraphs 1-93 of the Complaint as if fully set forth herein.
95. Denies the allegations contained in paragraph 95 of the Complaint.

- 96. Denies the allegations contained in paragraph 96 of the Complaint.
- 97. Denies the allegations contained in paragraph 97 of the Complaint.
- 98. Denies the allegations contained in paragraph 98 of the Complaint.
- 99. Denies knowledge or information sufficient to form a belief as to the truth of the statements contained in paragraph 99 of the Complaint.
- 100. Denies the allegations contained in paragraph 100 of the Complaint.

**VI. FEDERAL RULE OF CIVIL PROCEDURE 23  
CLASS ACTION ALLEGATIONS**

101. Defendant repeats and re-alleges its responses to paragraphs 1-100 of the Complaint as if fully set forth herein.

- 102. Denies the allegations contained in paragraph 102 of the Complaint.
- 103. Denies the allegations contained in paragraph 103 of the Complaint.
- 104. Denies the allegations contained in paragraph 104 of the Complaint.
- 105. Denies the allegations contained in paragraph 105 of the Complaint.
- 106. Denies the allegations contained in paragraph 106 of the Complaint.
- 107. Denies the allegations contained in paragraph 107 of the Complaint.
- 108. Denies the allegations contained in paragraph 108 of the Complaint.
- 109. Denies the allegations contained in paragraph 109 of the Complaint.
- 110. Denies the allegations contained in paragraph 110 of the Complaint.
- 111. Denies the allegations contained in paragraph 111 of the Complaint.
- 112. Denies the allegations contained in paragraph 112 of the Complaint.

## **VII. CLAIMS FOR RELIEF**

### **FIRST CAUSE OF ACTION FAILURE TO PAY OVERTIME UNDER THE FLSA (DEFENDANT SCSPCA)**

113. Defendant repeats and re-alleges its responses to paragraphs 1-112 of the Complaint as if fully set forth herein.

114. Denies the allegations contained in paragraph 114 of the Complaint.

115. Denies the allegations contained in paragraph 115 of the Complaint.

116. Denies the allegations contained in paragraph 116 of the Complaint.

117. Denies the allegations contained in paragraph 117 of the Complaint.

118. Denies the allegations contained in paragraph 118 of the Complaint.

119. Denies the allegations contained in paragraph 119 of the Complaint.

120. Denies the allegations contained in paragraph 120 of the Complaint.

### **SECOND CAUSE OF ACTION FAILURE TO PAY OVERTIME UNDER THE NEW YORK LABOR LAW (DEFENDANT SCSPCA)**

121. Defendant repeats and re-alleges its responses to paragraphs 1-120 of the Complaint as if fully set forth herein.

122. Denies the allegations contained in paragraph 122 of the Complaint.

123. Denies the allegations contained in paragraph 123 of the Complaint.

124. Denies the allegations contained in paragraph 124 of the Complaint.

125. Denies the allegations contained in paragraph 125 of the Complaint.

### **THIRD CAUSE OF ACTION FAILURE TO PAY MINIMUM WAGE UNDER THE FLSA (DEFENDANT SCSPCA)**

126. Defendant repeats and re-alleges its responses to paragraphs 1-125 of the Complaint



as if fully set forth herein.

127. Denies the allegations contained in paragraph 127 of the Complaint.

128. Neither admits nor denies the legal conclusions contained within paragraph 128 of the Complaint, and respectfully refers all questions of law to the Court for determination.

129. Neither admits nor denies the legal conclusions contained within paragraph 129 of the Complaint, and respectfully refers all questions of law to the Court for determination.

130. Neither admits nor denies the statements of law contained within paragraph 130 of the Complaint, and respectfully refers all questions of law to the Court for determination.

131. Denies the allegations contained in paragraph 131 of the Complaint.

132. Denies the allegations contained in paragraph 132 of the Complaint.

133. Denies the allegations contained in paragraph 133 of the Complaint.

134. Denies the allegations contained in paragraph 134 of the Complaint.

135. Denies the allegations contained in paragraph 135 of the Complaint.

**FOURTH CAUSE OF ACTION  
FAILURE TO PAY MINIMUM WAGE UNDER THE NYLL  
(DEFENDANT SCSPCA)**

136. Defendant repeats and re-alleges its responses to paragraphs 1-135 of the Complaint as if fully set forth herein.

137. Denies the allegations contained in paragraph 137 of the Complaint.

138. Neither admits nor denies the legal conclusions contained within paragraph 138 of the Complaint, and respectfully refers all questions of law to the Court for determination.

139. Neither admits nor denies the legal conclusions contained within paragraph 139 of the Complaint, and respectfully refers all questions of law to the Court for determination.

140. Neither admits nor denies the statements of law contained within paragraph 140 of

the Complaint, and respectfully refers all questions of law to the Court for determination.

141. Neither admits nor denies the statements of law contained within paragraph 141 of the Complaint, and respectfully refers all questions of law to the Court for determination.

142. Denies the allegations contained in paragraph 142 of the Complaint.

143. Denies the allegations contained in paragraph 143 of the Complaint.

144. Denies the allegations contained in paragraph 144 of the Complaint.

145. Denies the allegations contained in paragraph 145 of the Complaint.

146. Denies the allegations contained in paragraph 146 of the Complaint.

**FIFTH CAUSE OF ACTION  
FAILURE TO PAY SPREAD-OF-HOURS PAY  
UNDER THE NYLL  
(DEFENDANT SCSPCA)**

147. Defendant repeats and re-alleges its responses to paragraphs 1-146 of the Complaint as if fully set forth herein.

148. Denies the allegations contained in paragraph 148 of the Complaint.

149. Denies the allegations contained in paragraph 149 of the Complaint.

**SIXTH CAUSE OF ACTION  
FAILURE TO PROVIDE 195.1 NOTICE UNDER THE NYLL  
(DEFENDANT SCSPCA)**

150. Defendant repeats and re-alleges its responses to paragraphs 1-149 of the Complaint as if fully set forth herein.

151. Denies the allegations contained in paragraph 151 of the Complaint.

152. Denies the allegations contained in paragraph 152 of the Complaint.

**SEVENTH CAUSE OF ACTION  
FAILURE TO PROVIDE 195.3 WAGE STATEMENT  
UNDER THE NYLL  
(DEFENDANT SCSPCA)**

153. Defendant repeats and re-alleges its responses to paragraphs 1-152 of the Complaint as if fully set forth herein.

154. Denies the allegations contained in paragraph 154 of the Complaint.

155. Denies the allegations contained in paragraph 155 of the Complaint.

**EIGHTH CAUSE OF ACTION  
RETALIATION UNDER THE FLSA  
(DEFENDANT SCSPCA)**

156. Defendant repeats and re-alleges its responses to paragraphs 1-155 of the Complaint as if fully set forth herein.

157. Denies the allegations contained in paragraph 157 of the Complaint.

158. Denies the allegations contained in paragraph 158 of the Complaint.

159. Denies the allegations contained in paragraph 159 of the Complaint.

160. Denies the allegations contained in paragraph 160 of the Complaint.

161. Denies the allegations contained in paragraph 161 of the Complaint.

162. Denies the allegations contained in paragraph 162 of the Complaint.

163. Denies the allegations contained in paragraph 163 of the Complaint.

164. Denies the allegations contained in paragraph 164 of the Complaint.

165. Denies the allegations contained in paragraph 165 of the Complaint.

**NINTH CAUSE OF ACTION  
RETALIATION UNDER THE NYLL  
(AGAINST BOTH DEFENDANTS)**

166. Defendant repeats and re-alleges its responses to paragraphs 1-165 of the Complaint as if fully set forth herein.

- 167. Denies the allegations contained in paragraph 167 of the Complaint.
- 168. Denies the allegations contained in paragraph 168 of the Complaint.
- 169. Denies the allegations contained in paragraph 169 of the Complaint.
- 170. Denies the allegations contained in paragraph 170 of the Complaint.
- 171. Denies the allegations contained in paragraph 171 of the Complaint.
- 172. Denies the allegations contained in paragraph 172 of the Complaint.
- 173. Denies the allegations contained in paragraph 173 of the Complaint.
- 174. Denies the allegations contained in paragraph 174 of the Complaint.
- 175. Denies the allegations contained in paragraph 175 of the Complaint.

**TENTH CAUSE OF ACTION  
DISCRIMINATION ON THE BASIS OF SEX  
UNDER THE NYSHRL  
(DEFENDANT SCSPCA)**

176. Defendant repeats and re-alleges its responses to paragraphs 1-175 of the Complaint as if fully set forth herein.

- 177. Denies the allegations contained in paragraph 177 of the Complaint.
- 178. Denies the allegations contained in paragraph 178 of the Complaint.
- 179. Denies the allegations contained in paragraph 179 of the Complaint.
- 180. Denies the allegations contained in paragraph 180 of the Complaint.
- 181. Denies the allegations contained in paragraph 181 of the Complaint.

**ELEVENTH CAUSE OF ACTION  
RETALIATION UNDER THE NYSHRL  
(AGAINST BOTH DEFENDANTS)**

182. Defendant repeats and re-alleges its responses to paragraphs 1-181 of the Complaint as if fully set forth herein.

- 183. Denies the allegations contained in paragraph 183 of the Complaint.
- 184. Denies the allegations contained in paragraph 184 of the Complaint.
- 185. Denies the allegations contained in paragraph 185 of the Complaint.
- 186. Denies the allegations contained in paragraph 186 of the Complaint.
- 187. Denies the allegations contained in paragraph 187 of the Complaint.
- 188. Denies the allegations contained in paragraph 188 of the Complaint.
- 189. Denies the allegations contained in paragraph 189 of the Complaint.
- 190. Denies the allegations contained in paragraph 190 of the Complaint.

**TWELFTH CAUSE OF ACTION  
FAILURE TO PAY UNIFORM MAINTENANCE  
(DEFENDANT SCSPCA)**

191. Defendant repeats and re-alleges its responses to paragraphs 1-190 of the Complaint as if fully set forth herein.

- 192. Denies the allegations contained in paragraph 192 of the Complaint.
- 193. Denies the allegations contained in paragraph 193 of the Complaint.
- 194. Denies the allegations contained in paragraph 194 of the Complaint.
- 195. Denies the allegations contained in paragraph 195 of the Complaint.
- 196. Denies the allegations contained in paragraph 196 of the Complaint.
- 197. Denies the allegations contained in paragraph 197 of the Complaint.

**THIRTEENTH CAUSE OF ACTION  
DISCRIMINATION ON THE BASIS OF SEX  
UNDER THE NYSHRL – AIDER AND ABETTOR LIABILITY  
(DEFENDANT LATON)**

198. Defendant repeats and re-alleges its responses to paragraphs 1-197 of the Complaint as if fully set forth herein.

- 199. Denies the allegations contained in paragraph 199 of the Complaint.

- 200. Denies the allegations contained in paragraph 200 of the Complaint.
- 201. Denies the allegations contained in paragraph 201 of the Complaint.

**FOURTEENTH CAUSE OF ACTION  
DISCRIMINATION ON THE BASIS OF SEX  
UNDER TITLE VII  
(DEFENDANT SCSPCA)**

202. Defendant repeats and re-alleges its responses to paragraphs 1-201 of the Complaint as if fully set forth herein.

- 203. Denies the allegations contained in paragraph 203 of the Complaint.
- 204. Denies the allegations contained in paragraph 204 of the Complaint.
- 205. Denies the allegations contained in paragraph 205 of the Complaint.
- 206. Denies the allegations contained in paragraph 206 of the Complaint.
- 207. Denies the allegations contained in paragraph 207 of the Complaint.

**FIFTEENTH CAUSE OF ACTION  
RETALIATION UNDER TITLE VII  
(AGAINST SCSPCA)**

208. Defendant repeats and re-alleges its responses to paragraphs 1-207 of the Complaint as if fully set forth herein.

- 209. Denies the allegations contained in paragraph 209 of the Complaint.
- 210. Denies the allegations contained in paragraph 210 of the Complaint.
- 211. Denies the allegations contained in paragraph 211 of the Complaint.
- 212. Denies the allegations contained in paragraph 212 of the Complaint.
- 213. Denies the allegations contained in paragraph 213 of the Complaint.
- 214. Denies the allegations contained in paragraph 214 of the Complaint.
- 215. Denies the allegations contained in paragraph 215 of the Complaint.
- 216. Denies the allegations contained in paragraph 216 of the Complaint.

### **DEMAND FOR TRIAL BY JURY**

217. Neither admits nor denies the statements contained within paragraph 217 of the Complaint, as they do not contain factual allegations.

### **PRAYER FOR RELIEF**

Defendant denies all allegations not specifically set forth herein.

Defendant denies each and every prayer for relief set forth in Plaintiff's Prayer for Relief, and each and every sub-paragraph thereof, in its and their entirety, and deny that Plaintiff is entitled to any relief whatsoever.

### **AFFIRMATIVE DEFENSES**

**FIRST:** The Complaint must be dismissed on the grounds that it fails to state a claim against Defendant upon which relief can be granted.

**SECOND:** The Complaint must be dismissed based upon documentary evidence.

**THIRD:** The Complaint must be dismissed because Plaintiff has failed to mitigate, minimize or avoid the damage about which she now complains and/or failed to follow the doctrine of avoidable consequences.

**FOURTH:** The Complaint must be dismissed because the Defendant did not discriminate against Plaintiff based upon her membership within any protected class or for any other impermissible reason.

**FIFTH:** The Complaint must be dismissed because Plaintiff cannot demonstrate that for all hours that she claims to have worked, that she was required to, or did, perform services which benefitted the Defendant.

**SIXTH:** The Complaint must be dismissed to the extent the claims therein are asserted beyond the applicable statute of limitations.

**FOURTH:** Plaintiff was paid all applicable minimum and overtime wages for all hours worked for the benefit of the employer.

**SEVENTH:** The Complaint must be dismissed because Defendant SCSPCA is not a covered employer under the FLSA.

**EIGHTH:** The Complaint must be dismissed because Defendant SCSPCA is not a covered employer under Title VII.

**NINTH:** The Complaint must be dismissed because Plaintiff is not entitled to overtime payments as provided by the FLSA.

**TENTH:** The Complaint must be dismissed because Plaintiff is not entitled to overtime payments as provided by NYLL.

**ELEVENTH:** The Complaint should be dismissed because Plaintiff is not entitled to liquidated damages provided by FLSA and/or NYLL.

**TWELFTH:** The Complaint must be dismissed, as Plaintiff was paid any and all wages that she was entitled to receive pursuant to all applicable agreements.

**THIRTEENTH:** Plaintiffs are not entitled to civil penalties, prejudgment/post-judgment interest, statutory damages, liquidated damages, punitive damages, or an extended statute of limitations because any alleged act or omission giving rise to Plaintiff's claims was made in good faith and was not willful because the Defendant had reasonable grounds for believing that any such alleged act or omission was not a violation of the FLSA or the NYLL.

**FOURTEENTH:** Plaintiff's federal claims should be dismissed to the extent that Defendant is not an enterprise as defined under the FLSA nor is the Defendant sufficiently engaged in interstate commerce so as to warrant individual coverage of the named Plaintiff or any of the putative plaintiffs in the collective action.



**FIFTEENTH:** The claims under Title VII and the NYSHRL must be dismissed because Defendant did not discriminate against Plaintiff on the basis of sex.

**SIXTEENTH:** The Title VII and NYSHRL claims must be dismissed because Defendant's decisions, actions and/or omissions with respect to Plaintiff were based upon legitimate, non-discriminatory business reasons, including her poor performance.

**SEVENTEENTH:** The Title VII and NYSHRL claims must be dismissed because Plaintiff cannot establish that Defendant's legitimate reasons for any employment decisions that she challenges were a pretext for discrimination.

**EIGHTEENTH:** As to the Title VII and NYSHRL claims, Defendant exercised reasonable care to prevent and correct promptly any inappropriate behavior reported to them, and to the extent Plaintiff was ever subjected to inappropriate conduct, Plaintiff failed to report such conduct and take advantage of the corrective and preventative opportunities offered by Defendant.

**NINETEENTH:** Plaintiff is not entitled to punitive damages in that she cannot demonstrate malice or reckless indifference and because Defendant made a good faith effort to comply with the applicable law.

**TWENTIETH:** This action is inappropriately brought as a collective action because there are no other similarly-situated employees.

**TWENTY-FIRST:** The Complaint must be dismissed because Defendant SCSPCA is not a covered employer under the NYLL.

**TWENTY- SECOND:** Defendants reserve the right to assert additional affirmative defenses at any time prior to the time of trial.

**WHEREFORE,** Defendant respectfully demand a judgment dismissing the Complaint in its entirety with prejudice; and awarding such other and further relief as to this Court deems just, proper and equitable.

Dated: New York, New York  
April 2, 2021

**BOYD RICHARDS PARKER & COLONNELLI, P.L.**  
*Attorneys for Defendant Suffolk County Society for the  
Prevention of Cruelty to Animals*

/s/

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Bryan J. Mazzola, Esq.  
Elissa Rossi, Esq.  
1500 Broadway, Suite 505  
New York, NY 10036